

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**OCTOBER 3, 2016**

**HALLIWELL SCHOOL**

**7:00 P.M.**

**The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mr. Soly, Mr. Zwolenski and Mr. Boucher. Ms. Alves and Mrs. Nadeau were unable to attend due to work commitments. Town Solicitor Igliozzi was in attendance. Town Administrator Hamilton did not attend.**

## **POLICE DEPARTMENT EQUIPMENT PURCHASE - CELLEBRITE MOBILE FORENSICS SOLUTION SOFTWARE**

**Mr. Boucher had received information about this mobile device and was of the opinion that it would be an invaluable tool for the police department. This product is designed to simplify complex analytical tasks and cultivate more leads in less time. Mr. Boucher believes this device will put North Smithfield in the forefront of policing and will be an investment in public safety.**

**Mr. Soly fears the Council may have made a mistake in the budgetary process when approving the police department supplies at the last meeting. Although he supports the purchases one hundred percent, he thinks going forward, the proposal should go before the Planning Board and the Budget Committee for recommendations.**

**Mr. Zwolenski is unsure if the Council needs to seek Planning Board**

**approval if funds are taken out of the contingency fund.**

**Mr. Iglioizzi commented that the Charter is designed so that departments do not come before the Town Council looking for capital funds once the budget has been set. When the Council decides to take independent action, that is not something that needs approval from the Budget Committee or Planning Board.**

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**MOTION by Mr. Soly, seconded by Mr. Zwolenski, and voted 2 to 1 on a roll call vote (Mr. Boucher voted no) to bring the purchase of the Cellebrite Mobile Forensics Solution Software before the Planning Board and the Budget Committee for their opinions.**

**Mr. Boucher mentioned that the Council had voted to appropriate funds to update the sewer SCADA system without going before Planning or the Budget Committee.**

**Because of that, MOTION by Mr. Soly, seconded by Mr. Zwolenski, and voted 2 to 1 on a roll call vote (Mr. Boucher voted no) to add discussion about the SCADA system to tonight's agenda. The vote was not unanimous.**

**REVIEW OF TOWN CHARTER ARTICLE IV - TOWN COUNCIL**

**Charter Review Commission Chairman Paul Vadenais explained they have been meeting with various department heads seeking any recommendations for changes. Tonight they are seeking the Town Council's recommendations for Article IV.**

**Mr. Boucher questioned whether the Superintendent's contract would come under the Town Council's purview, requiring a public hearing to be held on it.**

**Mr. Vadenais' understanding is that it is an individual contract and does not fall under collective bargaining.**

**Mr. Boucher felt that all contracts should be ratified by the Town Council.**

**MOTION by Mr. Boucher to ask the Charter Review Committee to research other communities to see if the City/Town Councils ratify all contracts including the school teachers, school principals, and the School Superintendent.**

**There was no second or vote.**

**In regards to vacancies in elected positions, Mr. Soly wondered if the vacancy should be filled based upon an appointment, an election or perhaps the next highest vote getter.**

**Mr. Zwolenski suggested tightening up gender specific language.**

#### **REVISED MS4 PROPOSAL**

**Joe Casali Engineering, Inc. provided a revised fee proposal for review and inspection of drains per the Stormwater Management Plan. This is required by the Department of Environmental Management and is supposed to be completed by the end of October.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to approve an amount not to exceed \$33,810 for Joe Casali Engineering, Inc.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to authorize the Town Administrator to sign the proposal.**

#### **AGREEMENT BETWEEN NATIONAL PARK SERVICE AND TOWN OF NORTH SMITHFIELD**

**The objective of this Agreement is to define and develop the partnership between the National Park Service and the Town with the intent of preserving, protecting, and interpreting historical and cultural resources; developing and enhancing visitor services; and furthering community and educational outreach and programming for the mill village of Slatersville.**

**Mr. Iglioizzi noted that the agreement does not obligate the town**

**financially and can be terminated at any time.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to enter into Cooperative Agreement P16AC01402 with the National Park Service and to authorize the Town Administrator to sign the document.**

**October 3, 2016**

## **ZONING ORDINANCE AMENDMENT SEC. 5.4.9 USE TABLE FOR GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

**Town Planner Robert Ericson stated this ordinance limits solar farms to limited commercial and manufacturing zones. One of the concerns is that the MU-2 zone is almost the same as manufacturing. It was his understanding that the Ordinance Review Committee was going to revise the ordinance to add buffers. Mr. Ericson noted the Council could find consistency with the Comprehensive Plan and override the Planning Board's position.**

**Mr. Zwolenski clarified that any solar farm development has to follow the contours of the land so that it does not become a gravel operation.**

**Mr. Soly wondered if the town starts going with lot size, maximum coverage, and buffer zones, why wouldn't development be opened up to any zone with a special use permit.**

**MOTION by Mr. Zwolenski and seconded by Mr. Soly to include MU-2 with a special use permit for the table. This motion and second was later withdrawn to allow for further public input.**

**Mr. Gary Ezovski commented there is very little manufacturing land in town and if the chart included the manufacturing zone, it could result in millions of dollars in losses to the town. He encouraged breaking out solar power with special uses across the board from the ordinance Section 5.4.9(7). Manufacturing zones should be developed for the benefit of jobs.**

**MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to close the public hearing.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to approve special use permits in MU-2 zones in the use table Section 5.4.9.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 2 to 1 on a roll call vote (Mr. Soly voted no) to find this ordinance consistent with the Comprehensive Plan.**

## **ZONING ORDINANCE AMENDMENT SEC. 5.7 GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on**

**a roll call vote to open the public hearing.**

**Mr. Ericson suggested that this be continued so the Ordinance Review Committee can review and solidify it.**

**Mr. Ezovski stated that with the vote the Council just made in regards to the use table, there are no parameters for solar installations.**

**Mr. Ezovski's suggestions:**

**In the first paragraph (a) he would change the word "promote" to "manage".**

**Under paragraph (e) General requirements, remove paragraphs (2) "Location" and (3) "Exemptions".**

**Add language that installations must meet setback requirements and visual screenings be established at the property perimeter.**

**Mr. Ericson commented that when the town writes an ordinance, it is looking for investors to come here and therefore he felt the word "promote" was the proper word in paragraph (a).**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to remand this ordinance to the Ordinance Review Committee to include their input on screening, installation setbacks**

**and percentages for development structures, etc. even though the ordinance has been found to be consistent with the Comprehensive Plan.**

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**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to continue the public hearing and the second reading to November 21, 2016.**

**ZONING ORDINANCE AMENDMENT SECTION 5.4.9 USE TABLE FOR WIND ENERGY GENERATION**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to open the public hearing.**

**Mr. Ericson noted the term “wind energy generation” disallows all kinds of electric fans and should be changed to better wording.**

**Residents Patrick Dowling and Sharon Mayewski agreed there should be better wording.**

**Sharon Mayewski referred to comments made by Mr. Ericson at a prior Planning Board meeting where he said the proposed amendments to ordinance Sec. 5.4.9 were inconsistent with the Comprehensive Plan and he said wind turbines could potentially aid**



**in conserving farmland. This resident feels there are several sections of the Comprehensive Plan that contradict that. Comments were also made at that meeting by Planning Board Chairman Dean Naylor with which she disagreed.**

**Mr. Naylor feels an article in the Valley Breeze was not his complete statement. His full statement is and always has been that the owner of a piece of property has the right to do what he wants with his property insofar as it does not infringe on anyone else's rights.**

**In regards to renewable energy generated by wind, Mr. Naylor is of the belief that eliminating wind turbines in all zones would prevent a resident having one for his own use. There are instances in town where it would make a lot of sense for a private party to install his own turbine. The town needs to discern between residential and commercial use.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher and Mr. Soly, and voted 3 to 0 on a roll call vote to close the public hearing.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly and Mr. Boucher, and voted 3 to 0 on a roll call vote to amend Section 5.4.9 by adding line number 9, renaming it to "Renewable Energy Generated by wind" and leaving the chart as is with no in every zone.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly and Mr. Boucher,**

**and voted 3 to 0 on a roll call vote to note that the Town Council finds the ordinance not inconsistent with the Comprehensive Plan.**

**MOTION by Mr. Soly, seconded by Mr. Boucher, and voted 3 to 0 on an aye vote to take a five-minute recess at 9:00 P.M.**

**The meeting resumed at 9:07 P.M.**

**ZONING ORDINANCE AMENDMENT SECTION 6.21 ILLICIT DISCHARGE STORM WATER**

**Mr. Ericson explained that this is a Department of Environmental Management requirement.**

**The objectives of this ordinance are:**

- 1. To prevent (or reduce to the maximum extent practicable) pollutants from entering the Town owned storm drainage system;**
- 2. To prohibit illicit connections and unauthorized discharges to the storm water drainage system;**
- 3. To require the removal of all such illicit connections and discharges;**
- 4. To comply with state law and federal statutes and regulations relating to storm water discharges; and**
- 5. To set forth the legal authority and procedures to carry out all inspection, detection, monitoring, and enforcement activities necessary to ensure compliance with this ordinance.**

**Mr. Soly noted that some of the sections were labeled number 16 in error instead of number 6.**

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**MOTION by Mr. Soly, seconded by Mr. Zwolenski and Mr. Boucher, and voted 3 to 0 on a roll call vote to change each section that is numbered 16 to number 6 to be consistent throughout the ordinance.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to close the public hearing.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to accept this ordinance as amended as a second reading.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote that the Town Council finds the ordinance to be consistent with the Comprehensive Plan and with the input received from the Rhode Island Department of Environmental Management.**

## **MUNICIPAL AND ROAD BONDS**

**There was no discussion.**

## **TESTING OF SCHOOL AND TOWN PROPERTIES**

**Updates are available on the school and town websites. Per current test results, Mr. Shaw, the School Facilities Director, does not believe that further testing is necessary.**

**Public Works Director Raymond Pendergast just recently received results from the soil sampling and those will be made available to the public as well.**

**Town Administrator Hamilton had sent a memo stating that “all reports and recommendations were sent to the town council. The RI Department of Health provided documentation on the cases of pediatric cancer. The testing will continue as it has been with water, indoor air and soil testing. Mr. Pendergast ordered additional soil testing and will have results. All other uses of chemicals and results of all testing are on our website and the school website as you had requested a few weeks ago.”**

#### **PRODUCTIVITY/EFFICIENCY STUDY**

**Mr. Parmelee has reached out to a firm and is waiting for a quote in relation to a preliminary study.**

#### **FUNDING FOR RENOVATIONS AND SIGN AT DEPARTMENT OF PUBLIC WORKS BUILDING**

**Mr. Boucher is coordinating with Mr. Pendergast and will have more information at the next meeting.**

## **ABATEMENTS**

**MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to accept credits in the amount of \$1,091.00 for the calendar years 2015 and 2016.**

**MOTION by Mr. Boucher, seconded by Mr. Soly, and voted 3 to 0 on an aye vote to adjourn at 9:19 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**